

March 10, 2003

The Honorable David B. McBride
Delaware State Senate
411 Legislative Avenue
Dover, DE 19901

RE: Delaware Cancer Registry Regulations

Dear Senator McBride:

I write on behalf of the State Council for Persons with Disabilities (SCPD) regarding the Department of Health and Social Services/Division of Public Health's (DPH) *Delaware Cancer Registry Regulations* published as 6 DE Reg. 958 in the February 1, 2003 issue of the Register of Regulations. The regulations are intended to implement S.B. 372 and it appears that DPH has omitted specific data collection required by the statute. Council wanted to inform you that there is still an opportunity for corrective action prior to implementation of the regulations effective May 1, 2003. Enclosed please find copies of the regulations and legislation for facilitated reference.

In December 2002, SCPD submitted a single comment, noting that S.B. 372 explicitly requires collection of the "patient's length of residency in Delaware", "primary residential address in Delaware", and "nature" of identified employment. In contrast, the proposed regulations ostensibly omitted collection of such information. The DHSS rationale for not amending the regulations is as follows:

The Department finds the proposed regulations to be consistent with the intent of Title 16, Section 3204 which states that rules promulgated be consistent and necessary to achieve the purposes of the requirements of the Cancer Registry. Additionally, the Department has plans to work with the medical community to ensure the forms used to collect cancer data reflect relevant and meaningful information.

SCPD is concerned that the proposed regulations, which are intended to implement S.B. 372, are not consistent with the statute. It is our belief that this inconsistency can set a dangerous precedent of regulations conflicting with the statutes.

Thank you for your consideration.

Sincerely,

Rita Landgraf, Chairperson
State Council for Persons with Disabilities

cc: Maureen Dempsey, DPH Director
Developmental Disabilities Council
Governor's Advisory Council for Exceptional Citizens
p&l/mcbride-cancerreg.doc